

Notice of Allowability

Application No.

09/877,158

Examiner

Devona E. Faulk

Applicant(s)

KATZ, ROBERT A.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 11/16/2005.
2. ☒ The allowed claim(s) is/are 45-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/25/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


HUYEN LE
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/16/2005, regarding claims 27,28 and 36 have been fully considered but they are not persuasive. The applicant asserts on page 18 that prior art Kurtin fails to disclose signals being continuously applied. The examiner disagrees and found that Kurtin discloses that during the course of an actual program, sounds are being continuously generated (column 4, lines 62-65).
2. Regarding claim 28, the examiner found prior art that read on "wherein the audio input signal is monaural and applied to each of the dual channels. Regarding claim 36, the examiner found prior art that read on "a delay amount which about equal in both of the dual channels".
3. The applicant agreed to an Examiner's amendment canceling claims 27-44. Claims 1-26 were cancelled already.
4. Claims 45-52 are the original claims 1-8. The examiner had previous deemed them allowable and they remain in allowable form.

EXAMINER'S AMENDMENT

Authorization for this examiner's amendment was given in a telephone interview with the inventor, Robert Katz on 1/11/2005.

The claims are to be amended as follows:

Claims 27-44: Cancel.

Allowable Subject Matter

5. **Claims 45-52** are allowable.
6. The following is an examiner's statement of reasons for allowance: See above response to arguments.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,237,343 to Kurtin et al. discloses a digital delay/ambience processor.

U.S. Patent 4,308,423 to Cohen discloses a stereo image separation and perimeter enhancement.

U.S. Patent 4,283,600 to Cohen discloses a recirculationless concert hall simulation and enhancement system.

U.S. Patent 6,697,491 to Griesinger discloses a 5-2-5 matrix encoder and decoder system.

U.S. Patent 5,896,456 to Desper discloses an automatic stereophonic manipulation system and apparatus for image enhancement.

U.S. Patent 4,891,839 to Scheiber discloses a signal re-distribution, decoding and processing in accordance with amplitude, phase and other characteristics.

U.S. Patent 4,535,474 to Borish et al. discloses an audio ambience simulator.

U.S. Patent 4,815,133 to Hibino discloses a sound field producing apparatus.

U.S. Patent 4,251,688 to Furner discloses an audio-digital processing system for demultiplexing stereophonic/quadrasonic input audio signals into 4-to-72 output signals.

E. Roerbaek Madsen, "*Extraction of Ambience Information From Ordinary Recordings*", Journal of the Audio Engineering Society, October 1970, Vol. 18, #5, page 490-497.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER